

## EXHIBIT B

E908RINC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

KING RANGE,

Plaintiff,

v.

14 Cv. 2447 (LAK)

480-486 BROADWAY, LLC, et al.,

Defendants.

-----x

September 24, 2014  
3:30 p.m.

Before:

HON. LEWIS A. KAPLAN

District Judge

APPEARANCES

PARKER HANSKI LLC

Attorneys for Plaintiff

BY: ADAM S. HANSKI

LITTLER MENDELSON, P.C.

Attorneys for Defendants

BY: ERIC D. WITKIN

JOEL L. FINGER

E908RINC

(Prior conference held off the record)

THE COURT: We have been having a pretrial conference here. The defendant applied for a stay of this action citing, among other things, Judge Cote's decision in *Gropper v. Fine Arts Housing*, 2014 U.S. Dist. LEXIS 46455, decided earlier this year. The defendant has assured the Court that to whatever extent there is any lack of compliance on the subject premises, they are in the process of correcting it to the extent it is within their power to do so.

Among the issues, as I have been informed in this and a previous conference, is that the premises are in a landmark building. There apparently is no dispute that one of the entrances to it is not in full compliance with the statute because the landmark law of the City of New York, and I assume it's the city, forbids any alteration to the exterior of the building. The defendant has previously sought permission to make the necessary authorizations and it was rejected. The defendant is reapplying again for permission to make the changes, and in the meantime is installing a temporary ramp to deal with the problem on an interim basis. There is a hearing date or a scheduled date of October 21 before the Landmarks Preservation Commission to deal with a new application which is being filed, as I understand it, today.

It seems to me that given what remains at issue in this case, and given the defendants' assurances and the legal

E908RINC

1     impediment in one respect posed by the Landmarks Preservation  
2     law, it makes very little sense to run up legal fees and expert  
3     fees that are reasonably likely to be utterly without ultimate  
4     purpose, and I am not having it.

5             MR. HANSKI: Your Honor, if I may.

6             THE COURT: I am not finished.

7             If the plaintiff wishes in the interim to have me  
8     modify this order, they are, of course, at liberty to make an  
9     application. I do wish to make clear that if such an  
10    application is made, it had better comply with Rule 11.

11            Anything else?

12            MR. HANSKI: Yes, your Honor.

13            I just wanted to confirm, you had stated there is no  
14    dispute among the parties related to the Landmarks Preservation  
15    Commission not allowing alterations and that this is a landmark  
16    building. We never stipulated, and we do not agree to that,  
17    particularly because the storefront at issue is not an historic  
18    storefront. In fact, was modified by the defendants in roughly  
19    2008-2009. If the Court would like to take judicial notice of  
20    that, they are welcome to Google the image for the Universal  
21    News & Cafe at 486 Broadway, and they can notice that  
22    themselves.

23            THE COURT: I note, counsel, that when you were before  
24    me on June the 19th, you did not in fact dispute it, and in the  
25    conference in the course of today, before we went on the record

E908RINC

1 initially, you didn't dispute it either. And we went on the  
2 record, at least in part, because of my sense that what you  
3 were doing, counselor, was attempting to repackage what I had  
4 said in words that are quite different from what I said, and I  
5 simply do not accept what you have just said.

6 Now, is there a stipulation that is undisputed, a  
7 document? I am not aware of any. But I think that you might  
8 consider your behavior in the future.

9 Anything else, folks?

10 Thank you, folks.

11 (Adjourned)